

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
KOT-0008-C

In Re Application Of: **Tomomi Oshiba et al.**

FEB 25 2005

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/734,942	12/12/2003	NYA	23413	1756	5721

Invention:

**TONER AND DEVELOPER FOR DEVELOPING ELECTROSTATIC IMAGE AND IMAGE FORMING
METHOD**

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or
action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the
period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Reply to Notice to File Missing Parts of Nonprovisional Appln

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

02/28/2005 KAHNED1 00000065 061130 10734942
01 FC:1453 1500.00 DA

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,500.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u> </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input type="checkbox"/> _____ | <u> </u> |
| Total fees enclosed: | <u>\$1,500.00</u> |

The fee of **\$1,500** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **06-1130**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


Signature

Dated: February 23, 2005

Karen A. LeCuyer, Ph.D.
Registration No. 51,928
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile: (860) 286-0115

CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

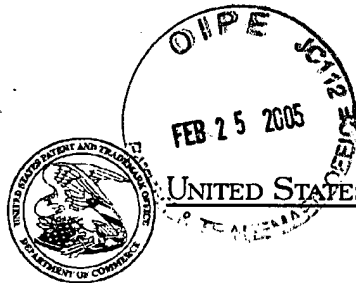
February 23, 2005

(Date)


Signature of Person Mailing Correspondence

Patricia A. Hart

Typed or Printed Name of Person Mailing Correspondence



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/734,942	12/12/2003	Tomomi Oshiba	KOT-0008-C

23413
 CANTOR COLBURN, LLP
 55 GRIFFIN ROAD SOUTH
 BLOOMFIELD, CT 06002

CONFIRMATION NO. 5721

FORMALITIES LETTER



OC000000012164134

Date Mailed: 03/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$290 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1190 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

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02 FC:1001 790.00 DA
 03 FC:1051 130.00 DA

- Total additional claim fee(s) for this application is **\$290**
 - **\$290** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

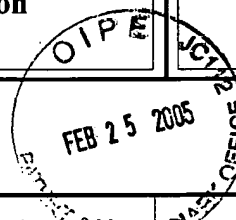
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
KOT-0008-C

In Re Application Of: **Tomomi Oshiba et al.**



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/734,942	12/12/2003	NYA	23413	1756	5721

Invention:

TONER AND DEVELOPER FOR DEVELOPING ELECTROSTATIC IMAGE AND IMAGE FORMING METHOD

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
3/23/2004
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

Preliminary Amendment

Response To Notice To File Missing Parts Of Application
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TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

☒ Completion of application fees as calculated below:

<input checked="" type="checkbox"/> Utility application basic fee	\$770.00
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☐ Design application basic fee

<input type="checkbox"/> Search Fee	\$0.00
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<input type="checkbox"/> Examination Fee	\$0.00
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☒ Total number of independent claims = 3

☒ Total number of claims = **17**

☐ Multiple dependent claims

<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath	\$130.00
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☐ Petition and fee for filing by other than all the inventors or a person not the inventor☐ Fee for processing an application filed with a non-English language specification☐ Fee for processing and retention of application

Total completion of application fees \$900.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: _____ *Date* until: _____ *Date*

Total time extension fees

Total fees due \$900.00

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- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **06-1130**
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **06-1130**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

**Karen A. LeCuyer, Ph.D.
Registration No. 51,928
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile: (860) 286-0115**

Dated: **February 23, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

February 23, 2005

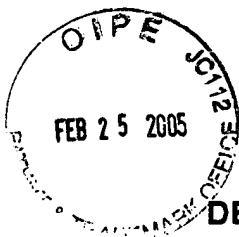
(Date)


Signature of Person Mailing Correspondence

Patricia A. Hart

Typed or Printed Name of Person Mailing Correspondence

CC:

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TONER AND DEVELOPER FOR DEVELOPING ELECTROSTATIC IMAGE AND IMAGE FORMING METHOD

the specification of which is attached.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY

JAPAN

APPLICATION NO.

034907/1999

FILING DATE

February 12, 1999

CANTOR COLBURN LLP
INTELLECTUAL PROPERTY ATTORNEYS

Continued on page 2

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Michael A. Cantor, Registration No. 31,152; Philmore H. Colburn II, Registration No. 35,101; Keith J. Murphy, Registration No. 33,979; Leah M. Reimer, Registration No. 39,341; David A. Fox, Registration No. 38,807; Edward J. Ellis, Registration No. 40,389; Robert D. Crawford, Registration No. 38,119; Michael J. Rye, Registration No. 34,422; William J. Cass, Registration No. 41,659; Pamela J. Curbelo, Registration No. 34,676; Andrew Ryan Registration No. 43,070; Marylou J. Lavoie, Registration No. 36,194; James F. McLaughlin, Registration No. 38,048; and Gerow D. Brill, Registration No. 34,554; and

Send Correspondence to: CANTOR COLBURN LLP, 55 Griffin Road South, Bloomfield Connecticut 06002, Direct Telephone Calls To: (860) 286-2929.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR: SIGNATURE	DATE	RESIDENCE AND POST OFFICE ADDRESS
Sign: <i>Tomomi Oshiba</i> Type: Tomomi OSHIBA	Date: <i>February 4, 2000</i> Citizen of: Japan	c/o Konica Corporation 2970 Ishikawa-cho, Hachioji-shi, Tokyo, Japan
Sign: <i>Ken Ohmura</i> Type: Ken OHMURA	Date: <i>February 4, 2000</i> Citizen of: Japan	c/o Konica Corporation 2970 Ishikawa-cho, Hachioji-shi, Tokyo, Japan
Sign: <i>Shigenori Kouno</i> Type: Shigenori KOUNO	Date: <i>February 4, 2000</i> Citizen of: Japan	c/o Konica Corporation 2970 Ishikawa-cho, Hachioji-shi, Tokyo, Japan
Sign: <i>Hiroshi Yamazaki</i> Type: Hiroshi YAMAZAKI	Date: <i>February 4, 2000</i> Citizen of: Japan	c/o Konica Corporation 2970 Ishikawa-cho, Hachioji-shi, Tokyo, Japan